IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 27TH SEPTEMBER 2007 / 5TH ASWINA 1929

WP(C).No. 24192 of 2003(E)

PETITIONER:

M/S. JNANODAYAM SABHA,
EDAKOCHI, KOCHI-6, REPRESENTED BY ITS SECRETARY,
M.D.PRAKASAN, S/O. DAMODARAN, AGED 42 YEARS,
MANEZHATH HOUSE, EDAKOCHI.

BY ADV. SRI.P.A.ABDUL JABBAR
SRI.P.J.JOSEPH (PALLIPARAMBIL)

RESPONDENTS:

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1. THE INDUSTRIAL TRIBUNAL, ALAPPUZHA.

2. P.P.NISHA,
PEEDIAKKAPARAMBIL HOUSE, EDAKOCHI, KOCHI-6.

3. STATE OF KERALA,
REPRESENTE BY CHIEF SECRETARY,
SECRETARIATE, THIRUVANANTHAPURAM.

BY ADV. SRI.A.JAYASANKAR
SRI.C.ANIL KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO.24192 OF 2003

ORDER ON I.A.NOS. 9296/03 AND 16783/06 IN W.P.(C)NO.24192 OF 2003
DISMISSED

27.9.2007 SD/- S. SIRI JAGAN, JUDGE.

O.P.NO.24192 OF 2003

APPENDIX

EXT.P1: COPY OF MEMO SERVED TO THE 2ND RESPONDENT BY THE PETITIONER. 22.091998.

EXT.P2: COPY OF THE REPLY SUBMITTED BY THE 2ND RESPONDENT TO THE PETITIONER. 24.09.1998

EXT.P3: COPY OF THE JOINING REPORT SUBMITED BY THE 2ND RESPONDENT TO THE PETITIONER 16.03.1999

EXT.P4: COPY OF THE PROCEEDINGS NO.JS 10/99 TAKEN BY THE PETITIONER AGAINST THE 2ND RESPONDENT. 16.03.99.

EXT.P5: COPY OF THE GOVERNMENT ORDER G.O.(RT)NO.994/2000/LBR ISSUED BY THE 3RD RESPONDENT. 10.3.00

EXT.P6: COPY OF THE STATEMENT SUBMITTED BY THE 2ND RESPONDENT BEFORE THE 1ST RESPONDENT.

EXT.P7: COPY OF THE STATEMENT SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT.15.12.2000

EXT.P8: COPY OF THE AWAD PASSED BY THE 1ST RESPONDNET I.D.25/2000 21.01.2003

TRUE COPY

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)No. 24192 OF 2003

Dated this the 27th day of September, 2007

JUDGMENT

The management in I.D.No.25/2000 before the Industrial Tribunal, Alappuzha challenges Ext.P8 award passed by the Tribunal in that I.D. The issue referred for adjudication was denial of employment of Sri. P.P .Nisha by the management. The contention of the petitioner before the Tribunal was that the 2nd respondent was unauthorisedly absent and therefore the management treated her as having voluntarily abandoned employment. The Tribunal found that no evidence was forthcoming regarding unauthorized absence, especially since the petitioner has not conducted any enquiry in respect of such unauthorized absence which would constitute misconduct warranting disciplinary proceedings. No evidence was also adduced by the management in support of their contentions before the Tribunal. On a perusal of the award I find that the

Tribunal has considered the matter on the basis of the evidence before it has come to a reasonable conclusion. In such circumstances, I do not think that, in exercise of my jurisdiction under Article 226 of the Constitution of India which is limited to finding as to whether the findings in the award are perverse, I can interfere with Ext.P8 award.

Accordingly, the writ petition is dismissed.

S. SIRI JAGAN, JUDGE

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